

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS LEON CABRALES, CARLOS
JIMENEZ-MARTINEZ, JOSE LUIS
BARRAGAN

Defendants.

CASE NO: 2:13-CR-00448-KJD-CWH

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That defense counsel have spoken to their respective clients, JOSE LUIS BARRAGAN, CARLOS LEON CABRALES, AND CARLOS JIMENEZ-MARTINEZ, who are currently in custody on this matter, and they have no objections to the continuance.

2. That defense counsel has spoken to Assistant United States Attorney, Amber Craig, and the Government has no objection to the continuance.

3. That defense counsel has received a voluminous amount of discovery in this matter.

4. That defense counsel requires additional time to investigate the Government's allegations and the Defendants' purported participation in the charged conspiracy. Accordingly, defense counsel also requires additional time to identify and litigate pretrial issues.

5. That defense counsel and the Government are currently negotiating a disposition agreement that, if acceptable to both parties, would render a jury trial unnecessary as to defendant JOSE LUIS BARRAGAN.

1 6. The additional time requested herein is not sought for purposes of delay, but to
2 allow counsel for defendants sufficient time within which to confer with the defendant regarding
3 the proposed disposition agreement and to be able to effectively and thoroughly research, prepare
4 and submit for filing appropriate pretrial motions.

5 7. Additionally, denial of this request for continuance could result in a miscarriage of
6 justice.
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8 8. The additional time requested by this Stipulation is excludable in computing the
9 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
10 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section
11 3161(h)(7)(A), considering the factors under Title 18, United States Code.
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13 **CONCLUSION OF LAW**

14 The ends of justice served by granting said continuance outweigh the interests of the
15 public and the defense in a speedy trial, since the failure to grant said continuance would be
16 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
17 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
18 account the exercise of due diligence.
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20 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
21 States Code, Section 3161(h)(1)(D)(4), 3161(h)(7)(A) when the considering facts under Title 18,
22 United States Code, §§ 3161(h)(7)(B) and 3161 (h)(7)(B)(iv).
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ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be submitted to the Court by the 24th day of September, 2014, by the hour of 9:00 a.m.

IT IS FURTHER ORDERED that the calendar call currently scheduled for July 21, 2014, at the hour of 9:00 a.m. be vacated and continued to the 23rd day of September, 2014, at the hour of 9:00 a.m.

IT IS FURTHER ORDERED that the jury trial currently scheduled for July 28, 2014, at the hour of 9:00 a.m. be vacated and continued to the 29th day of September, 2014, at the hour of 9:00 a.m.

DATED AND DONE this 14th day of July, 2014.


UNITED STATES DISTRICT JUDGE